

**NURSING HOME ADMINISTRATORS EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
October 14, 1999**

**PRESENT:** Karen Robinson, Shirley Keller (left meeting at 11:55), Nancy Harper, Patricia Schulz, Jerry Schallock, Tony Oberbrunner, Robert Mulder

**ABSENT:** Omar Barberena, Rhoda Arzoomanian

**STAFF PRESENT:** Secretary Cummings, for a portion of the meeting; Cletus Hansen, Becky Fry; Ruby Jefferson-Moore, Legal Counsel; other department staff were present for portions of the meeting

**GUESTS:** Jan Heimbruch      Bureau of Quality Assurance  
Gerald Sternberg      Bureau of Quality Assurance

**CALL TO ORDER**

The meeting was called to order at 9:45 a.m. by Karen Robinson, Chair. A quorum of seven members was present.

**AGENDA**

Karen Robinson recommended the following additions to the agenda: #5 b Letter from University of Wisconsin, Milwaukee, #8 b Letter from Norbert Holmblad and under New Business – Surveyor Protocol.

**MOTION:** Robert Mulder moved, seconded by Shirley Keller, to adopt the agenda as amended. Motion carried unanimously.

**MINUTES (8/19/99)**

**MOTION:** Shirley Keller moved, seconded by Patricia Schulz, to approve the minutes, as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Cummings informed the Board that the budget is on the Governor's desk at this time. She indicated that it is being reviewed for amendments that would impact the agency or Boards.

Secretary Cummings explained that the addition of another 10 percent tax to the examination appropriations has been proposed.

Secretary Cummings indicated that she is still working on an improved telephone system for the Department.

### **Bureau Director's Report**

- **Board Roster**

The Board received an updated roster. Clete Hansen advised Board members to indicate changes or corrections.

- **Meeting Dates**

The Board members received an updated list of 2000 meeting dates. Noted.

- **To-Pass Folder**

Information was circulated in the To-Pass Folder and duly noted.

- **Regulatory Digest**

A more recent draft was provided to the Board members. Corrections were noted. The Board suggested that a correction be made to the digest indicating that Clete Hansen and Karen Robinson met with legislators. It was also suggested that non-licensee Board members receive the Digest.

### **LEGISLATIVE UPDATE**

#### **LRB-0740/1dn Relating to Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License**

Karen Robinson reported on the appointments she and Clete Hansen had with legislators on October 13, 1999.

#### **University of Milwaukee Letter**

The Board received and reviewed the October 12, 1999, letter from Professor M. Scott Stegall of the University of Milwaukee, School of Allied Health Professions. Noted.

The Board discussed the UW Extension tape series, and the definition of "specialized courses."

It was recommended that a letter be sent to Mr. Segall, indicating that the terms are defined and after legislation is passed, the Board will be in a position to review the terms. It was decided to send a letter thanking him for his letter of concern.

### **ADMINISTRATIVE RULES UPDATE**

## **Rules Relating to Experience and Reciprocity**

The Board reviewed a draft of the September 28, 1999, proposed order, sent to the Rules Clearinghouse.

**MOTION:** Jerry Schallock moved, seconded by Patricia Schulz, to authorize Cletus Hansen to sign the final order on behalf of the Board, if the Legislative Committees do not object to the rules and no other changes are recommended. Motion carried unanimously.

## **Interpretation of s. 456.10(1)(d), Stats.**

The Board discussed a possible situation of a pattern of serious violations not being Wisconsin Class A or Federal Level H violations and, therefore, would not be pursued.

It was indicated that this is being handled through the screening panel process.

BQA recommended making the serious violation motion broader, so that a cluster of Class B violations would be considered.

**MOTION:** Nancy Harper moved, seconded by Shirley Keller, to adopt the recommendations of the Rules Committee, as provided in the minutes of the Committee. Motion carried unanimously.

## **• Representatives of the Department of Health and Family Services**

Jan Heimbruch gave an overview of and explained the referral process to the Board. She also explained the provisional variance process for unlicensed, acting nursing home administrators.

The Board addressed the problem of the Board not having jurisdiction or authority over the unlicensed acting administrators.

Jerry Sternberg and the Board discussed the need and justification for the creation of a provisional license category.

The Board asked the Bureau of Quality Assurance (BQA) to indicate the longevity of acting administrators, in BQA's referrals for investigation.

It was recommended that a BQA representative, attorneys from investigation and a NHA representative meet to discuss these issues.

## **UPDATE REGARDING HEALTH CARE FRAUD AND ABUSE DATA COLLECTION**

The Board discussed reporting through the National Association of Boards of Examiners of Long Term Care Administrators (NAB).

Clete Hansen said that he will correspond with the NAB and advise that the Nursing Home Administrators Examining Board and the Department will not have NAB report and file discipline for the Board.

**MOTION:** Shirley Keller, moved, seconded by Patricia Schulz, to indicate to NAB that the NHA will provide disciplinary information to the NAB for the National Adverse Action Tracking System (NAATS), but not for the Healthcare Integrity and Protection Data Bank (HIPDB). Motion carried unanimously.

## **EXAMINATION ISSUES**

### **NAB State-Based Exams**

Darwin Tichenor reported to the Board on the status of the computerization of the state-based and national exams. He indicated that fees will increase from \$35 to \$100 for the state exam and from \$147 to approximately \$200 for the national exam. He indicated that the candidate handbook will be available in a week.

### **Letter from Norbert Holmblad**

The Board reviewed Norbert Holmblad's letter dated October 4, 1999, regarding compliance with the Americans with Disabilities Act. This letter will be forwarded to NAB.

## **BOARD MEMBER ACTIVITY**

### **Mid-Year Meeting, November 3-5, 1999**

Patricia Schulz will be attending the mid-year meeting in Scottsdale, Arizona. One topic for discussion will be the dramatic decrease in the number of candidates applying for the Nursing Home Administrators exam.

Darwin Tichenor went over the number of candidates sitting for the state and national exams for the past two years. He will provide the Board with a graph indicating these numbers for the past ten years.

## **PROVISIONAL LICENSES**

This issue was deferred to the next meeting.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

The Board gave approval for Clete Hansen to mail his proposed letter to Daniel Farley of the National Association of Boards of Examiners, relating to the revised endorsement/reciprocity licensure questionnaire.

## **NEW BUSINESS**

### **Surveyor Protocol**

The Board discussed situations involving BQA surveyor observations and the process for intervention or documentation.

Tony Oberbrunner explained the surveyor protocol relating to whether the action being observed is affecting the health, safety, and welfare of the resident.

## **RECESS TO CLOSED SESSION**

**MOTION:** Nancy Harper moved, seconded by Robert Mulder, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), and (f), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss monitoring reports, case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, deliberations on proposed disciplinary matters that may be signed after printing of the agenda, pending applications, examination issues, and disciplinary proceedings. Motion carried by a roll call vote: Patricia Schulz-yes; Jerry Schallock-yes; Robert Mulder-yes; Nancy Harper-yes; Karen Robinson-yes. Motion carried unanimously. Shirley Keller was no longer in attendance.

Open Session recessed at 12:14 p.m.

The Board received a copy of the Case Status Report.

The Board deliberated on issues related to case closings.

## **RECONVENE IN OPEN SESSION**

**MOTION:** Patricia Schulz moved, seconded by Jerry Schallock, to reconvene in Open Session at 1:18 p.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **CASE CLOSINGS**

**MOTION:** Robert Mulder moved, seconded by Patricia Schulz, to close 99 NHA 006, Richard Hollander, for no violation. Motion carried unanimously.

**MOTION:** Patricia Schulz moved, to close 99 NHA 006, Lisa Lowe, for no violation. The motion failed for lack of a second. This case will be referred back to Division of Enforcement.

**MOTION:** Karen Robinson moved, seconded by Jerry Schallock, to close 99 NHA 011, Jack Nelson, for prosecutorial discretion. Motion carried with 4 in favor and 1 opposed.

**MOTION:** Robert Mulder moved, seconded by Nancy Harper, to close 99 NHA 009, Lou Gaspard, for no violation. Motion carried unanimously.

#### **OTHER ITEMS AS AUTHORIZED BY LAW**

#### **ADJOURNMENT**

**MOTION:** Jerry Schallock moved, seconded by Patricia Schulz, to adjourn the meeting at 1:14 p.m. Motion carried unanimously.